

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 26-cv-00938-RTG
(To be supplied by the court)

Ashlee Echols, Plaintiff

v.

Jury Trial requested:
(please check one)
 Yes No

Miller's Dance Studio, INC., as Plan Administrator,

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Ashlee Echols 4373 S Jebel Lane Centennial, CO 800015

(Name and complete mailing address)

(720) 369-8092 Echolsashlee632@gmail.com

(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: Miller's Dance Studio, INC., Plan Adminsitrator 3331 S Telluride St. Aurora, CO 80014

(Name and complete mailing address)

(303)877-0813 SMHelma@comcast.net

(Telephone number and e-mail address if known)

Defendant 2:

(Name and complete mailing address)

(Telephone number and e-mail address if known)

Defendant 3:

(Name and complete mailing address)

(Telephone number and e-mail address if known)

Defendant 4:

(Name and complete mailing address)

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check one)

 x Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §1001 et seq ERISA §1132(c)(1) – Failure to Provide Plan Documents

ERISA §104(b)(4) requires plan administrators to furnish certain plan documents upon written request.

ERISA §1132(c)(1) provides that a plan administrator who fails to comply within 30 days may be liable for up to \$110 per day from the date of such failure

 Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of _____.

If Defendant 1 is an individual, Defendant 1 is a citizen of _____.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of _____ (name of state or foreign nation).

Defendant 1 has its principal place of business in _____ (name of state or foreign nation).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: FAILURE TO PRODUCE REQUIRED PLAN DOCUMENTS

Supporting facts:

On November 17, 2025, Plaintiff submitted a written request pursuant to ERISA §104(b)(4) seeking required plan documents. The request was delivered via certified mail and electronic transmission. Defendant received the request. The statutory 30-day deadline expired on December 17, 2025. Defendant failed to produce required plan documents within the statutory period. As of February 27, 2026, Defendant remains in non-compliance. The documents requested included:

- a. Summary Plan Description
- b. Plan Document
- c. Trust Agreement
- d. Most Recent Form 5500
- e. Summary Annual Report

Plaintiff reserves the right to amend this Complaint upon discovery regarding:

- a. The compensation base used to calculate Safe Harbor contributions;
- b. The timeliness of employer contribution deposits;
- c. Additional fiduciary compliance issues.

E. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

ERISA §1132(c)(1) – Failure to Provide Plan Documents ERISA §104(b)(4) requires plan administrators to furnish certain plan documents upon written request. ERISA §1132(c)(1) provides that a plan administrator who fails to comply within 30 days may be liable for up to \$110 per day from the date of such failure. . Defendant failed to comply within 30 days of Plaintiff’s request. As of February 27, 2026, Defendant has been in non-compliance for seventy-two (72) days. Statutory penalties have accrued in the amount of \$39,600 and continue to accrue

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award statutory penalties under 29 U.S.C. §1132(c)(1);
- B. Order production of requested plan documents;
- C. Award costs and fees pursuant to 29 U.S.C. §1132(g);
- D. Grant such further relief as the Court deems just and proper.

F. PLAINTIFF’S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



(Plaintiff’s signature)

04/03/2026

(Date)

(Revised February 2022)